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In re Application of
CARLSON
Application No. 09/678,414
Filed: October 2, 2000
Attorney Docket No. NSC1-H1700

DECISION ON PETITION

This is a decision on the petition filed June 18, 2004, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is GRANTED.

A non-final Office action was mailed on November 14, 2003, setting forth a three-month period of response. A Notice of Abandonment was mailed on May 28, 2004.

Petitioner asserts that an Amendment in response to the Office action with the appropriate fee was timely filed in the Patent and Trademark Office on February 2, 2004. This is evidenced by a copy of the Amendment and the postcard receipt indicating receipt of the Amendment and check in the Patent and Trademark Office.

The review of the application file reveals that the Amendment in response to the November 14, 2003 Office action and the appropriate fee were received and matched with the file. However, the response was not noticed by either the examiner or the technical support staff and consequently the application was held to be abandoned. The application is not abandoned in fact.

For the above reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The application file is being forwarded to the technical support staff for processing the response to the November 14, 2003 Office action. From there, it will be returned to the examiner for further prosecution.

Questions regarding this decision should be directed to Jose' G. Dees at 571-272-1569.

A handwritten signature in black ink, appearing to read "JAMES L. DWYER", is written over a horizontal line. A large, roughly circular, hand-drawn oval surrounds the signature and extends slightly beyond the line on both sides.

James L. Dwyer, Director
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